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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,992	01/10/2005	Gergely Molnar	P15199-US1	1831
27045	7590	05/30/2007		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER ANWARI, MACEEH	
			ART UNIT	PAPER NUMBER
			2109	
			MAIL DATE	DELIVERY MODE
			05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,992

Applicant(s)

MOLNAR, GERGELY

Examiner

Maceeh Anwari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/08/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

This is the initial Office action based on the 10/500922 application filed on January 10, 2005. Claims 12-21, as originally filled, are currently pending and have been considered below.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-21 are rejected under 35 U.S.C. 101 because the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "non-functional descriptive material." Both types of "descriptive material" are non-statutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive

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material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming non-functional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Schroder et al. (hereinafter Schroder) U.S. Patent No.: 7,107,329 B1.

Schroder teaches:

Claim 12:

A method for managing configuration of a network in a management centre, said network having a plurality of target objects, said method comprising (Col. 1 lines 10-17): elaborating a model of the network to be managed (Figure 2 and Col. 3 lines 66-67 & Col. 4 lines 1-3); identifying a plurality of target objects to be configured in the network (Col. 3 lines 66-67 & Col. 4 lines 1-13); validating the changes to be made upon configuration of said plurality of target objects (Figure 3 Col. 4 lines 23-30) ; and, if all changes have been validated: finding a sequence of target routers associated with said target objects that provides continuous connectivity to said management centre (Figures 1A-B and Col. 2 lines 30-37; reads on this limitation by allowing alterations without interruptions to connectivity); and configuring each of said target routers (Figures 3 & 7 and Col. 4 lines 14-30 & Col. 5 lines 2-6 & 14-16).

Claim 13:

The method according to claim 12, wherein said model is based on the CIM (Common Information Model) schema (Figures 3-4 & 6-7 and Col. 2 lines 42-47 & Col. 4 lines 11-13; SNMP/MIB read on this limitation).

Claim 14:

The method according to claim 12, wherein said identification step includes identifying direct target objects and indirect target objects (Figure 7 and Col. 5 lines 37-38; reads on this limitation with listener and direct connections).

Claim 15:

The method according to claim 12, wherein said validation step includes checking the compliance of the changes to be made upon configuration with a predetermined set of rules (Figures 1A-2 and Col. 4 lines 11-13; SNMP/MIB, BGP and routing tables read on this limitation).

Claim 16:

The method according to claim 12, wherein said network is an IP based mobile access network (Col. 1 lines 10-16 & lines 59-60 & Col. 4 lines 43-45 Col. 5 lines 7-10; reads on this limitation with TCP/IP).

Claim 17:

An apparatus for managing configuration of a network, said apparatus being located in a management centre, said network having a plurality of target objects, said apparatus comprising (Col. 1 lines 10-17): means for elaborating a model of the network to be managed (Figure 2 and Col. 3 lines 66-67 & Col. 4 lines 1-3); means for identifying a plurality of target objects to be configured in

the network (Col. 3 lines 66-67 & Col. 4 lines 1-13); means for validating the changes to be made upon configuration of said plurality of target objects (Figure 3 Col. 4 lines 23-30); means for finding a sequence of target routers associated with said target objects that provides continuous connectivity to said management centre (Figures 1A-B and Col. 2 lines 30-37; reads on this limitation by allowing alterations without interruptions to connectivity); and means for configuring each of said target routers (Figures 3 & 7 and Col. 4 lines 14-30 & Col. 5 lines 2-6 & 14-16).

Claim 18:

The apparatus according to claim 17, wherein said model is based on the CIM (Common Information Model) schema (Figures 3-4 & 6-7 and Col. 2 lines 42-47 & Col. 4 lines 11-13; SNMP/MIB read on this limitation).

Claim 19:

The apparatus according to claim 17, wherein said identification means are adapted to identify direct target objects and indirect target objects (Figure 7 and Col. 5 lines 37-38; reads on this limitation with listener and direct connections).

Claim 20:

The apparatus according to claim 17, wherein said validation means are adapted to check the compliance of the changes to be

made upon configuration with a predetermined set of rules (Figures 1A-2 and Col. 4 lines 11-13; SNMP/MIB, BGP and routing tables read on this limitation).

Claim 21:

The apparatus according to claim 17, wherein said network is an IP based mobile access network (Col. 1 lines 10-16 & lines 59-60 & Col. 4 lines 43-45 Col. 5 lines 7-10; reads on this limitation with TCP/IP).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maceeh Anwari whose telephone number is 571-272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.


JOSEPH DEL SOLE
SUPERVISORY PATENT EXAMINER

5/25/07